

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

In the Matter of:

[AIRPORT OPERATOR]

FAA Order No. 97-3

Served: January 8, 1997

Docket No. CP94\*\*0032

**ORDER DISMISSING APPEAL**

Respondent [Airport Operator] filed a timely notice of appeal from the written initial decision of Administrative Law Judge Burton S. Kolko issued on July 24, 1996. Respondent was required to perfect its appeal by filing an appeal brief by September 17, 1996, under 14 C.F.R. §§ 13.233(c) and 13.211(e). Respondent neither filed an appeal brief nor requested an extension of time.<sup>1</sup> Accordingly, Respondent's appeal is subject to dismissal under 14 C.F.R. § 13.233(d)(2).

*THEREFORE, IT IS ORDERED THAT:* Respondent's appeal is dismissed.

LINDA HALL DASCHLE  
Acting Administrator  
Federal Aviation Administration

  
VICKI S. LEEMON<sup>2</sup>  
Manager, Adjudication Branch

Issued this 8th day of January, 1997.

---

<sup>1</sup> On October 10, 1996, Complainant filed a Motion to Dismiss Appeal for failure to perfect. Respondent did not file a reply to the motion.

<sup>2</sup> Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (see 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.